

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYNQOR, INC.

Plaintiff,

v.

CISCO SYSTEMS, INC.

Defendant.

Civ. No. 2:14-CV-286-MHS-CMC

JURY TRIAL DEMANDED

**JOINT STIPULATION REGARDING SUMMARY JUDGMENT REPORTS AND
RECOMMENDATIONS**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff SynQor, Inc. ("SynQor") and Defendant Cisco Systems, Inc. ("Cisco") that:

1. If and only if the District Court adopts, in its entirety, the Magistrate Judge's recommendation that "Cisco's Motion for Partial Summary Judgment No. 1: Noninfringement by Products Incorporating New CPNs (Docket Entry #102) be **GRANTED**, except to the extent SynQor is able to prove certain systems incorporating new CPNs do not have input voltages which produce regulated outputs," then, in light of the Magistrate Judge's recommendation:

- a) SynQor will no longer assert in this case that the accused (non-Vicor) New CPNs that were the subject of Cisco's Motion for Partial Summary Judgment No. 1 infringe any of the asserted claims of U.S. Patent Nos. 7,072,190, 7,269,034, 7,272,021, 7,558,083, 7,564,702, and 8,023,290.
- b) Cisco will no longer assert in this case a non-infringement defense based on the non-isolated converters in any of its accused end products allegedly

not meeting the multiple non-isolated regulation stage/converter limitations, for instance because they allegedly are not regulation stages.

- c) Cisco will no longer assert in this case any written description or enablement defense or counterclaim.

2. Notwithstanding the foregoing, each party reserves the right to file objections to the Magistrate Judge's Report and Recommendation on Cisco's Motion No. 1 and to appeal the District Court's ultimate ruling on Cisco's Motion No. 1. Each party also reserves the right to file objections to the Magistrate Judge's Report and Recommendation on SynQor, Inc.'s Motion for Summary Judgment on Defendants' § 112 Affirmative Defenses and Counterclaims and Cisco's Motion No. 4 and to appeal the District Court's ultimate ruling on SynQor, Inc.'s Motion for Summary Judgment on Defendants' § 112 Affirmative Defenses and Counterclaims and Cisco's Motion No. 4. Cisco also reserves the right to assert a written description or enablement defense if the District Court or the Court of Appeals modifies the Magistrate Judge's Report and Recommendations regarding Cisco's Motion No. 1, and SynQor reserves the right to challenge any such defenses. If the District Court modifies the Magistrate Judge's Report and Recommendation regarding Cisco's Motion No. 1, the parties agree to meet and confer regarding the implications of such a decision.

3. Cisco and SynQor agree that the Magistrate Judge's Report and Recommendation on SynQor, Inc.'s Motion for Summary Judgment on Defendants' § 112 Affirmative Defenses and Counterclaims and Cisco's Motion No. 4 rejected Cisco's indefiniteness defenses and counterclaims as a matter of law based, at least in part, on its ruling on Cisco's Motion No. 1. Accordingly, Cisco agrees not to oppose a SynQor motion to clarify the Report and Recommendation to reflect that SynQor's Motion for Summary Judgment on Defendants' § 112

Affirmative Defenses and Counterclaims is granted with respect to Cisco's indefiniteness defenses and counterclaims to the extent the district court adopts the Magistrate Judge's Report and Recommendation on Cisco's Motion No. 1 in its entirety.

4. Notwithstanding the foregoing, Cisco reserves the right to object to the Magistrate Judge's rejection of Cisco's indefiniteness defenses and counterclaims and to appeal the District Court's ultimate ruling on indefiniteness, and SynQor reserves the right to appeal any ultimate ruling by the District Court on Cisco's indefiniteness defenses and counterclaims.

Dated: December 8, 2014

Douglas M. Kubehl
douglas.kubehl@bakerbotts.com
Kurt M. Pankratz
kurt.pankratz1@bakerbotts.com
Christa Brown-Sanford
christa.brown-sanford@bakerbotts.com
Roshan S. Mansinghani
roshan.mansinghani@bakerbotts.com
R. Scott McClelland
scott.mcclelland@bakerbotts.com
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Telephone: (214) 953-6584
Facsimile: (214) 953-4584

Michael E. Jones (SBN: 10929400)
mikejones@potterminton.com
Allen Franklin Gardner (SBN: 24043679)
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

Andrea Pacelli (admitted *pro hac vice*)
andrea.pacelli@wilmerhale.com
**WILMER CUTLER PICKERING
HALE AND DORR LLP**
7 World Trade Center
250 Greenwich Street
New York, New York 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

/s/ Louis W. Tompros, with permission by David.
T. DeZern

William F. Lee (admitted *pro hac vice*)
william.lee@wilmerhale.com
Lead Attorney
Louis W. Tompros (admitted *pro hac vice*)
louis.tompros@wilmerhale.com
Richard A. Goldenberg (admitted *pro hac vice*)
richard.goldenberg@wilmerhale.com
Rachel I. Gurvich (admitted *pro hac vice*)
rachel.gurvich@wilmerhale.com
Andrew J. Danford (admitted *pro hac vice*)
andrew.danford@wilmerhale.com
Kelli J. Powell (admitted *pro hac vice*)
kelli.powell@wilmerhale.com
Dana O. Burwell (admitted *pro hac vice*)
dana.burwell@wilmerhale.com
Allison Trzop (admitted *pro hac vice*)
allison.trzop@wilmerhale.com
**WILMER CUTLER PICKERING
HALE AND DORR LLP**
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

Rachel L. Weiner (admitted *pro hac vice*)
rachel.weiner@wilmerhale.com
Jonathan Uffelman (admitted *pro hac vice*)
jonathan.uffelman@wilmerhale.com
**WILMER CUTLER PICKERING
HALE AND DORR LLP**
1875 Pennsylvania Avenue, NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

**ATTORNEYS FOR
DEFENDANT CISCO SYSTEMS, INC.**

/s/ David T. DeZern

Thomas D. Rein (*admitted pro hac vice*)

Lead Attorney

trein@sidley.com

Russell E. Cass (*admitted pro hac vice*)

rcass@sidley.com

Stephanie P. Koh (*admitted pro hac vice*)

skoh@sidley.com

Bryan C. Mulder (*admitted pro hac vice*)

bmulder@sidley.com

Nathaniel C. Love (*admitted pro hac vice*)

nlove@sidley.com

SIDLEY AUSTIN LLP

One South Dearborn

Chicago, IL 60603

Telephone: 312.853.7000

Facsimile: 312.853.7036

Michael D. Hatcher

Texas State Bar No. 24027067

mhatcher@sidley.com

David T. DeZern

Texas State Bar No. 24059677

ddezern@sidley.com

SIDLEY AUSTIN LLP

2001 Ross Avenue, Suite 3600

Dallas, TX 75201

Telephone: 214.981.3300

Facsimile: 214.981.3400

ATTORNEYS FOR PLAINTIFF SYNQOR, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served on counsel of record via the Court's CM/ECF system on December 8, 2014.

/s/ David T. DeZern

David T. DeZern